

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference BPPURA023AWO	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/BE2004/000123	International filing date (day/month/year) 27/08/2004	(Earliest) Priority Date (day/month/year) 29/08/2003
Applicant PURATOS N.V.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 6 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the report**

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☒ **Certain claims were found unsearchable** (See Box II).

3. ☐ **Unity of invention is lacking** (see Box III).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regards to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. _____

☐ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☒ none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/BE2004/000123

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A23L1/19 A23D7/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A23L A23D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, FSTA, BIOSIS

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2002/119238 A1 (PIRES MURILO HADAD) 29 August 2002 (2002-08-29) paragraphs '0001!', '0007!' - '0013!', '0019!', '0023!', '0025!', '0026!', '0028!' - '0038!', '0046!', '0049!' examples 1,3	6, 8-11, 13-15
X	US 6 117 473 A (COBOS MARIA DEL PILAR ET AL) 12 September 2000 (2000-09-12) cited in the application column 1, lines 6-8, 37-39, 52-59, 66, 67 column 2, lines 1, 8, 10-65 column 3, lines 1-39	8-11, 13-15
A	column 2, lines 49, 50, 57, 58 ----- -/--	6



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *G* document member of the same patent family

Date of the actual completion of the international search

16 November 2004

Date of mailing of the international search report

24/11/2004

Name and mailing address of the ISA

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Couzy, F

INTERNATIONAL SEARCH REPORT

International Application No

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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5 962 058 A (KONISHI YOSHIHIRO ET AL) 5 October 1999 (1999-10-05) column 1, lines 13-20 column 2, lines 54-67 column 3, lines 1-16 column 5, line 33 - column 6, line 17 example 1	8,11, 13-15
A	column 5, lines 50-59	6
A	US 5 336 514 A (JONES MALCOLM G ET AL) 9 August 1994 (1994-08-09) column 2, lines 4-68 column 3, lines 22-27,36,37	8-11, 13-15
A	US 2003/104110 A1 (SIKKING ROB ET AL) 5 June 2003 (2003-06-05) paragraphs '0025!, '0026!, '0070!, '0138!	8-11, 13-15
A	US 4 808 334 A (EZAKI MITSUO ET AL) 28 February 1989 (1989-02-28) column 2, lines 50-54 example 1	8-11, 13-15
P,A	WO 2004/052114 A (UNILEVER PLC ; LEVER HINDUSTAN LTD (IN); UNILEVER NV (NL); STAM THEODO) 24 June 2004 (2004-06-24) page 2, lines 29,30 page 4, lines 10,11 page 5, lines 10-13 page 7, lines 10,11 page 8, lines 1-20 page 9, lines 11-16 page 10, lines 1-25 page 13, lines 26-28	8-11, 13-15
A,P	EP 1 430 790 A (FUJI OIL CO LTD) 23 June 2004 (2004-06-23) paragraphs '0003! - '0008!	8-11, 13-15

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

Continuation of Box II.2

Claims Nos.: 1-5,7,12

Present claims 1-5, 7 and 12 relate to an extremely large number of possible products, as it is attempted to define these by reference to desirable characteristics such as shape stability, surface texture, overrun, and time until an "optimal consistency" is reached. The claims cover all products having these characteristics, whereas the application provides support within the meaning of Article 6 PCT and disclosure within the meaning of Article 5 PCT for only a very limited number of such products. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible.

Independent of the above reasoning, the claims also lack clarity (Article 6 PCT). Indeed, an attempt is made to define the products by reference to results to be achieved. Again, this lack of clarity in the present case is such as to render a meaningful search over the whole of the claimed scope impossible.

Consequently, no search at all was carried out for claims 1-5, 7 and 12. Furthermore, the search of claims 6 and 8-10 was carried out only for those parts of the claims which appear to be clear, supported and disclosed, namely compositions comprising at least the essential ingredients as apparent from p.7 li.10-15 of the description: 20-30% fat, 10-25% of a sweetener, an emulsifier and a stabiliser. Same was done for claims 11 and 13-15, for which the composition was considered to include at least these essential ingredients.

The applicant's attention is drawn to the fact that claims relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure. If the application proceeds into the regional phase before the EPO, the applicant is reminded that a search may be carried out during examination before the EPO (see EPO Guideline C-VI, 8.5), should the problems which led to the Article 17(2) declaration be overcome.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/BE2004/000123

Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☒ Claims Nos.: 1-5, 7, 12
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
see FURTHER INFORMATION sheet PCT/ISA/210
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/BE2004/000123

Patent document cited in search report		Publication date	Patent family member(s)		Publication date
US 2002119238	A1	29-08-2002	DE	10064061 A1	11-07-2002
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US 5962058	A	05-10-1999	JP	3132974 B2	05-02-2001
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			EP	1241952 A1	25-09-2002
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			WO	03026441 A1	03-04-2003